

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

THRU: Mark Kutney, AICP, Development Services Director

FROM/PHONE: Daniel J. Stallone, Code Compliance Official, 954-797-1121

PREPARED BY: Daniel J. Stallone

SUBJECT: Resolution

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIENS IN CASE NO. 02-049 FROM \$5400.00 IN AMOUNT TO \$1685.98, AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The Code Compliance Division initiated a code compliance case on October 15, 2001, related to the failure of the property owner to maintain residential trash removal service at this residential property. The respondent was brought to a special magistrate hearing on December 18, 2001 so as to respond to a notice of violation for violations of the following town code section:

1. 9-22: Failure to maintain trash removal service from the Town's franchised collector;

The Town's Special Magistrate issued a Final Order on December 19, 2001 after finding that the violation was valid. Thereafter, for fifty-four (54) days, the violation continued and the Final Order was violated. The respondent was brought before the Special Magistrate in a noncompliance hearing on February 19, 2002 to address the continuing violation of the code. The Special Magistrate fined the respondent one hundred dollars (\$100.00) for each day of noncompliance equal to a fifty-four hundred dollar (\$5400.00) fine. The fine was recorded as a lien in the Broward County Public records.

The mitigated amount will cover the Town's expenses and the recommended mitigation guideline amount of \$1685.98 may be considered for approval by the Town Council; upon such approval, the respondent may be given forty-five (45) days to pay the mitigated amount.

PREVIOUS ACTIONS: Not applicable

CONCURRENCES: The Code Compliance Division offers the proposed mitigation amount as the result of the application of the Town Council-approved mitigation guidelines.

FISCAL IMPACT:

Has request been budgeted? N/A

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from: NONE

Additional Comments:

RECOMMENDATION(S): The Code Compliance Division recommends the approval of the mitigation amount equal to \$1685.98 as per the mitigation schedule and guidelines.

Attachment(s): Town Council Agenda Submittal Pink Sheet, Town Council Agenda Report Resolution, Mitigation Request Summary, Mitigation Worksheet, Mitigation Application Review Form Mitigation Inspection Report, Mitigation Request Letter, Town Council Code Compliance Mitigation Guidelines

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIENS IN CASE NO. 02-049 FROM \$5,400.00 IN AMOUNT TO \$1,685.98; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Carmen Ramirez has requested a mitigation of a Code Compliance lien from \$5,400.00; and

WHEREAS, the Town of Davie Code Compliance Division has determined that the violation of Code Section 9-22 was corrected; and

WHEREAS, the Town of Davie Code Compliance Division Mitigation Guideline has proscribed a mitigation amount equal to \$1,685.98; and

WHEREAS, Carmen Ramirez and the Town of Davie Code Compliance Division are agreeable to the mitigation of the Code Compliance lien.

WHEREAS, the Town Council is agreeable to such mitigation of the Code Compliance lien.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That the certain Code Compliance lien arising out of Case No. 02-049 in the amount of \$5,400.00 against Carmen Ramirez, is hereby mitigated in amount to \$1,685.98.

SECTION 2. That this mitigated amount of \$1,685.98 be paid to the Town within 45 days of the enactment of this Resolution. Should this amount of \$1,685.98 not be paid within the specified time the lien shall revert to the original amount of \$5,400.00.

SECTION 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2006

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2006

MITIGATION REQUEST SUMMARY

DATE: May 1, 2006
NAME: Carmen Ramirez
ADDRESS: 7750 NW 39 Street
CASE: Code Compliance Case No. 02-049

SUMMARY:

Date respondent cited: October 19, 2001
Date of Final Order: December 19, 2001
Non-Compliance Hearings(s): February 19, 2002
Fine/Lien(s) Imposed: \$5400.00

Department Guideline recommended mitigation amount:	\$1685.98
Amount the respondent desires to pay:	\$1685.98

The property owner was cited for the following violation of the Town of Davie Code:

1. Section 9-22: Failure to maintain residential trash removal service from the town's franchised collector.

The mitigated amount will cover the Town expenses and the recommended mitigated amount of \$ 1,685.98 may be considered for approval by the Town Council, and the respondent given 4 days to pay the mitigated amount.

DANIEL J. STALLONE
CODE COMPLIANCE OFFICIAL

**TOWN OF DAVIE CODE COMPLIANCE
MITIGATION WORKSHEET
CASE # 02-049**

<u>Respondent(s):</u>	Carmen Ramirez
<u>Address:</u>	7750 NW 39 Street
<u>Fine/Lien Amount:</u>	\$5400.00
<u>Mitigation Recommendation:</u> <u>(as per approved mitigation guidelines)</u>	\$1685.98
a) <u>7.5% of \$5400.00</u>	= \$ 405.00
b) <u>5 % of \$5400.00</u> <u>54 days of non-compliance</u> equal to <u>5%</u> of lien/fine per 60 days of non-compliance	= \$ 270.00
c) Mitigation Base Fee (Town costs incurred by Code Compliance)	= \$1010.90
Total	= \$1685.90

**TOWN OF DAVIE
CODE COMPLIANCE DIVISION
MITIGATION APPLICATION REVIEW FORM**

SECTION 1: (To be completed by Code Compliance Supervisor)

1. Name of Respondent(s)/Applicant(s): Carmen Ramirez
2. Case Number: Code Compliance Case no. 02-049
3. Total amount of Code Compliance Lien(s)/Administrative Fine(s): \$ 5400.00
4. Is Respondent(s)/Applicant(s) in compliance with applicable Town Code Sections? ☒ Yes ☐ No
(If the answer to Question 4 is no, do not complete Question 5, as compliance is a prerequisite to further processing.)
5. Mitigation amount recommended by the Town Council approved guidelines: \$ 1685.98

SECTION 2: (To be completed by Respondent(s)/Applicant(s))

1. Please state any and all reasons why the Town should agree to mitigate the Code Compliance Lien(s)/Administrative Fines:

DUE TO THE FACT THAT I WAS UNAWARE OF ANY LIENS OR AMOUNTS OWED TO THE TOWN OF DAVIE. I HAVE BEEN PAYING BASED ON MY PAST RECORDS WATER/SEWER RATES IN A TIMELY MANNER AS A SINGLE MOTHER W/ TWO DEPENDENTS, I BEG THE TOWN TO AGREE TO MITIGATE THE CODE COMPLIANCE LIEN(S)

Signature: Carmen Ramirez

Date: 4/18/06

2. Please indicate the amount which you request the Code Compliance Lien(s) be mitigated to: \$1,685.98

NOTE: The Code Compliance Division will submit your request to the Town Council to either accept or deny your mitigation amount; if your request is less than the mitigation guideline amount, the Code Compliance Division shall automatically make a recommendation to deny your mitigation request. In the event you do not agree with the mitigation guideline amount as set forth in Section 1 above, the matter will be referred to a Special Magistrate who will make a recommendation to the Town Council. The decision to grant or deny the request for mitigation will be made by the Town Council. In the event the Town approves your mitigation request, you must pay the mitigated amount to the Town of Davie within 45 days of Town Council approval or the Code Compliance Lien(s)/Administrative Fine(s) will remain in effect in the original amount.

SECTION 3: (To be authorized by Department Director)

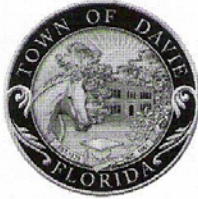
The Code Compliance Division hereby submits the request made by the Respondent/Applicant, in Section 2, to mitigate the Code Compliance Lien(s)/Administrative Fine(s) in Case Number 02-049 from a total of \$ 5,400.00 to the amount requested by the Respondent/Applicant which is \$ 1,685.98, for consideration by the Town Council.

Daniel J. Stallone
Code Compliance Official

4/27/06
Date

M. L. King
Department Director

4/27/06
Date



TOWN OF DAVIE
CODE COMPLIANCE DIVISION
MITIGATION INSPECTION REPORT

CASE NO. 02-049

DATE FINAL ORDER ISSUED: 12-19-01 INSPECTION DATE May 1 '06

RESPONDENT(S) CARMEN RAMIREZ

PROPERTY ADDRESS 7750 NW 39 STREET, DAVIE

VIOLATIONS.....☒.....COMPLIED.....☐.....NOT COMPLIED (check one)

MITIGATION HEARING REQUEST (DATE) N/A

LIST VIOLATIONS NOT COMPLIED: _____

1. _____

2. _____

3. _____

4. _____

5. _____

Comments: PER JAMES CUSTOMER REPRESENTATIVE WASTE MANAGEMENT
RESIDENTIAL GARBAGE SERVICE IS ACTIVE

INSPECTOR
SIGNATURE
DJS 4/06

[Signature]

DATE May 1, 2006

January 20, 2006

To Whom It May Concern:

I Carmen Ramirez with case No. 02-049 owner of the property located in 7750 NW 39 St Davie, Fl. 33024. I'm requesting a mitigation for the lien that I currently have in my property, I was not aware of this lien in my property, according to the conversation that I had with Mr. Daniel Stallone, I was told by him that this was a while back when I was renting my house and my tenants never paid anything to Waste Management. But when I came back to my house I realized that Waste Management was never paid and I paid that amount that my tenants never paid. Mr. Stallone also told me about a Notice of Violation letter, which I was not aware because I was not living on this address when the City of Davie send the letter, I never received that letter. Thank you very much for all the help that you can provide me and If you have any question please call me at my cellular which is 954-296-7292 and if you need to send me anything to fill out please mail it to me at my home address 7750 NW 39th Street Davie, FL 33024

Thank you


Carmen Ramirez

**TOWN OF DAVIE
2006 MITIGATION GUIDELINES**

<u>FINE AMOUNT</u>	<u>RECOMMENDATION</u>
Fine to \$10,000	7.5% of the amount plus an additional 5% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$10,000 - \$20,000	10.0% of the amount plus an additional 6% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$20,001 - \$30,000	12.5% of the amount plus an additional 7% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$30,001 - \$40,000	15.0% of the amount plus an additional 8% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$40,001 - \$50,000	17.5% of the amount plus an additional 9% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$50,001 - \$60,000	20.0% of the amount plus an additional 10% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$60,001 - \$70,000	22.5% of the amount plus an additional 11% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$70,001 - \$80,000	25.0% of the amount plus an additional 12% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$80,001 - \$90,000	27.5% of the amount plus an additional 13% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$90,001 - \$100,000	30.0% of the amount plus an additional 14% For each sixty (60) days of violation plus actual costs incurred by the Town.
Over \$100,000	35.0% of the amount plus an additional 15% For each sixty (60) days of violation plus actual costs incurred by the Town.

This schedule would be utilized for first time violators and repeat violators.

MITIGATION BASE FEE (COST OF CASE ADMINISTRATION AND DEVELOPMENT) SHALL BE ADDED TO THE TOTAL DERIVED FROM APPLICATION OF ABOVE GUIDELINES. THE MITIGATION BASE FEE IS BASED UPON THE EXPENSES INCURRED BY TOWN EMPLOYEES AND ALL ACCOMPANYING COSTS.

MITIGATION BASE FEE* \$ 1010.98 (*Subject to revision as per current staff salaries.)

THE TOWN OF DAVIE, Broward
County, Florida, A Florida
Municipal Corporation,
Petitioner,

TOWN OF DAVIE CODE
ENFORCEMENT SPECIAL MASTER

CASE NO. 02-049

v.

CARMEN RAMIREZ,
Respondent.

_____/

FINAL ORDER

THIS MATTER having come before the TOWN OF DAVIE, SPECIAL MASTER, for Final Hearing, pursuant to notice, on the 18th day of December, 2001, and the SPECIAL MASTER having heard the statement of the Town Code Enforcement Officer, and having reviewed the Town File in the matter, and being otherwise fully advised in the premises, finds and orders as follows:

1. Upon testimony heard and the evidence received, it appears that Respondents have failed to maintain trash removal service, all within the limits of the Town of Davie, Broward County, Florida. As a result, the Special Master finds that Respondents have violated section(s) 9-22, Davie Town Code, and that said Davie Town Code Violation(s) continued to exist at the time of the Final Hearing in this matter.

2. That Respondents shall within seven (7) days, in all respects, comply with the aforesaid Davie Town Code Section(s). Upon the completion thereof, Respondents shall notify the Code Enforcement Officer of the Town of Davie of the fact of such compliance. Respondents shall thereafter continuously comply with all of the aforesaid Davie Town Code Section(s), and a failure to do so shall be considered a violation of this Order, and the matter will then be set for hearing before the Special Master to consider the assessment of an administrative fine of up to \$250.00 per day per violation, and the imposition of a lien as provided by Section 162.09, Florida Statutes, for each day each such violation shall occur

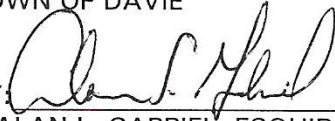
after the date set for compliance hereinabove.

3. The Code Enforcement Officer of the Town of Davie is hereby directed to make an inspection of the subject property upon the expiration of the time proscribed for compliance herein, or, upon receipt of notice from Respondents that Respondents have complied with this Special Master's Order, and thereafter from time to time to ensure compliance herewith, and to promptly report his findings regarding such inspection(s) to the Special Master.

4. In the event that the Code Enforcement Officer shall report to the Special Master that the Respondents have failed to comply with this Special Master's Order as set forth herein, the Special Master shall then consider the matter of an administrative fine and lien as set forth in section 162.09, Florida Statutes, and the Special Master retains jurisdiction over this matter for such purpose.

DONE AND ORDERED in Davie, Broward County, Florida this 19th day of December, 2001.

TOWN OF DAVIE

BY: 
ALAN L. GABRIEL, ESQUIRE
SPECIAL MASTER

Copies furnished:
CARMEN RAMIREZ
(CERTIFIED MAIL)
Clerk, Special Master Hearing
Town Prosecutor
Code Inspector

DAVIE\02-049..F4



RETURN TO:
TOWN OF DAVIE
ATTN: TOWN CLERK
6591 S.W. 45TH STREET
DAVIE, FL 33314-3399

INSTR # 101785398
OR BK 32932 PG 0145
RECORDED 03/22/2002 08:36 AM
COMMISSION
BROWARD COUNTY
DEPUTY CLERK 1016

THIS INSTRUMENT PREPARED BY:
ALAN L. GABRIEL, ESQ.
International Bldg., Penthouse East
2455 East Sunrise Boulevard
Fort Lauderdale, Florida 33304

TOWN OF DAVIE
CODE ENFORCEMENT
SPECIAL MASTER

THE TOWN OF DAVIE, Broward
County, Florida, A Florida
Municipal corporation,

CASE NO. 02-049

Petitioner,

v.

CARMEN RAMIREZ,

Respondents.

_____ /

ORDER IMPOSING
MUNICIPAL CODE ENFORCEMENT LIEN
AND ADMINISTRATIVE FINE

THIS MATTER, having come before the TOWN OF DAVIE, SPECIAL MASTER on the 19th day of February, 2002, on the Motion of the Town Code Enforcement officer, pursuant to notice, to impose sanctions against said Respondents, CARMEN RAMIREZ, for failure to comply with the Final Order of the Special Master in this matter, pursuant to the authority of section 162.09, Florida Statutes, and the Special Master having heard the testimony of the Town Code Enforcement Officer, the witnesses and having reviewed its file in the matter, finds as follows:

1

DEFERRED ITEM
Return Document To
Business Operations

A. That Respondents have violated section(s) 9-22 of the Davie Town Code, contrary to the terms of the Final Order entered in the above styled matter on December 19, 2001.

B. The aforesaid violation of the aforementioned section(s) of the Davie Town Code are a violation of the aforesaid Final Order, which has been served upon Respondents.

C. Since the date heretofore set for compliance by the aforesaid Final Order, Respondents have failed to comply therewith in the following respects:

- i. For fifty-four (54) days prior to the date of this meeting the aforesaid violation of Section(s) 9-22 of the Davie Town Code continued to exist uncorrected and unabated.

D. Respondents have accordingly violated the Final Order of the Special Master as detailed above, and the said violations shall be punished by fine of \$100.00 for each day each such violation continued to exist after the date set for compliance, the same being fifty-four (54) days, for a total administrative penalty of FIVE THOUSAND FOUR HUNDRED AND 00/100THS (\$5,400.00) DOLLARS.

It is thereupon **ORDERED** as follows:

1. Respondents shall be fined the sum of \$100.00 for each day of each violation of the Special Master's Final Order in this matter as aforesaid, for a total administrative penalty of FIVE THOUSAND FOUR HUNDRED AND 00/100THS (\$5,400.00) DOLLARS as set forth above.

2. The Town of Davie Attorney is hereby directed to file and record this Order among the Public Records of Broward County, Florida which shall constitute a lien against any personal property of Respondents, and the following described real property of Respondents in the amount of FIVE THOUSAND FOUR HUNDRED AND 00/100THS (\$5,400.00) DOLLARS as provided in section 162.09, Florida Statutes, and to proceed with the enforcement and collection of same as provided by law, to wit:

7750 NW 39 St., Davie, Florida a/k/a

Driftwood Estates No. 17 51-25 B Lot 5 Blk 5

DONE AND ORDERED in Davie, Broward County, Florida, this 21st day
of February, 2002.

TOWN OF DAVIE

BY:



ALAN L. GABRIEL, ESQUIRE
SPECIAL MASTER

Copies furnished:
CARMEN RAMIREZ
(CERTIFIED MAIL)
Clerk, Code Enforcement
Town Prosecutor
Code Inspector

TOD/02-049.F1

RETURN TO:
TOWN OF DAVIE
ATTN: TOWN CLERK
6591 S.W. 45TH STREET
DAVIE, FL 33314-3399

THIS INSTRUMENT PREPARED BY:
ALAN L. GABRIEL, ESQ.
International Bldg., Penthouse East
2455 East Sunrise Boulevard
Fort Lauderdale, Florida 33304

Original to
Janet Gail
Clerks' off

TOWN OF DAVIE
CODE ENFORCEMENT
SPECIAL MASTER

THE TOWN OF DAVIE, Broward
County, Florida, A Florida
Municipal corporation,

CASE NO. 02-049

Petitioner,

v.

CARMEN RAMIREZ,

Respondents.

_____ /

ORDER IMPOSING
MUNICIPAL CODE ENFORCEMENT LIEN
AND ADMINISTRATIVE FINE

THIS MATTER, having come before the TOWN OF DAVIE, SPECIAL MASTER on the 19th day of February, 2002, on the Motion of the Town Code Enforcement officer, pursuant to notice, to impose sanctions against said Respondents, CARMEN RAMIREZ, for failure to comply with the Final Order of the Special Master in this matter, pursuant to the authority of section 162.09, Florida Statutes, and the Special Master having heard the testimony of the Town Code Enforcement Officer, the witnesses and having reviewed its file in the matter, finds as follows:

A. That Respondents have violated section(s) 9-22 of the Davie Town Code, contrary to the terms of the Final Order entered in the above styled matter on December 19, 2001.

B. The aforesaid violation of the aforementioned section(s) of the Davie Town Code are a violation of the aforesaid Final Order, which has been served upon Respondents.

C. Since the date heretofore set for compliance by the aforesaid Final Order, Respondents have failed to comply therewith in the following respects:

- i. For fifty-four (54) days prior to the date of this meeting the aforesaid violation of Section(s) 9-22 of the Davie Town Code continued to exist uncorrected and unabated.

D. Respondents have accordingly violated the Final Order of the Special Master as detailed above, and the said violations shall be punished by fine of \$100.00 for each day each such violation continued to exist after the date set for compliance, the same being fifty-four (54) days, for a total administrative penalty of FIVE THOUSAND FOUR HUNDRED AND 00/100THS (\$5,400.00) DOLLARS.

It is thereupon **ORDERED** as follows:

1. Respondents shall be fined the sum of \$100.00 for each day of each violation of the Special Master's Final Order in this matter as aforesaid, for a total administrative penalty of FIVE THOUSAND FOUR HUNDRED AND 00/100THS (\$5,400.00) DOLLARS as set forth above.

2. The Town of Davie Attorney is hereby directed to file and record this Order among the Public Records of Broward County, Florida which shall constitute a lien against any personal property of Respondents, and the following described real property of Respondents in the amount of FIVE THOUSAND FOUR HUNDRED AND 00/100THS (\$5,400.00) DOLLARS as provided in section 162.09, Florida Statutes, and to proceed with the enforcement and collection of same as provided by law, to wit:

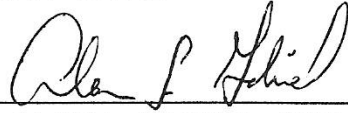
7750 NW 39 St., Davie, Florida a/k/a

Driftwood Estates No. 17 51-25 B Lot 5 Blk 5

DONE AND ORDERED in Davie, Broward County, Florida, this 21st day
of February, 2002.

TOWN OF DAVIE

BY:



ALAN L. GABRIEL, ESQUIRE
SPECIAL MASTER

Copies furnished:
CARMEN RAMIREZ
(CERTIFIED MAIL)
Clerk, Code Enforcement
Town Prosecutor
Code Inspector

TOD/02-049.F1

CODE COMPLIANCE SPECIAL MASTER

NOTICE OF NON-COMPLIANCE AND HEARING: CASE #02-49

THE TOWN OF DAVIE, Broward
County, Florida, A Florida
Municipal Corporation.
Petitioner

VS

CARMEN RAMIREZ
Respondent

TO: RAMIREZ, CARMEN, , 7750 NW 39 ST,
HOLLYWOOD , FL 33024

OFFENSE LOCATION: 7750 NW 39 ST, WITH FOLIO #51-41-03-18-0450-

YOU ARE HEREBY NOTIFIED that on FEBRUARY 19, 2002 at the Davie Town Hall, 6591 Orange Drive, Davie, FL 33314, Broward County, at 9:00 a.m., a Special Master hearing will be held to determine whether or not sanctions as provided in section 162.09, Florida Statutes, shall be imposed in this matter against you based upon the following allegations:

1. The Davie Town Code Compliance Special Master entered a Final Order on this matter on DECEMBER 19, 2001, which provided for and required the following of you as the Respondent. That Respondent was in violation of Davie Town Code(s):

Section 9-22

Garbage and trash removal service by the franchised collector is required in the Town of Davie. Contact the franchised collector at 974-7501 to set up service. All property or business owners, tenants or lessees shall obtain trash disposal services from the approved Town of Davie franchised waste hauling company. Such waste removal service shall be obtained prior to or immediately after the commencement of such business operation or occupancy. Please note that the property owner shall be responsible for the failure of commercial or residential tenants in complying with this regulation.

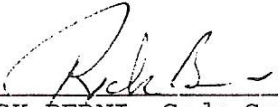
"ALL PROPERTY OR BUSINESS OWNERS, TENANTS OR LESSEES SHALL OBTAIN TRASH DISPOSAL SERVICES FROM THE APPROVED TOWN-OF DAVIE FRANCHISED WASTE HAULING COMPANY. SUCH WASTE REMOVAL SERVICE SHALL BE OBTAINED PRIOR TO OR IMMEDIATELY AFTER THE COMMENCEMENT OF SUCH OPERATION OR OCCUPANCY. PLEASE NOTE THAT THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE FAILURE OF COMMERCIAL OR RESIDENTIAL TENANTS IN COMPLYING WITH THIS REGULATION."

2. It is alleged that you have failed to comply with the aforesaid Final Order. The Respondent has not continuously complied with the Final Order of the Code Compliance Special Master and a violation of Davie Town Code(s) as set forth hereinabove is in effect. To Wit: Respondent has not corrected or prevented such violation(s) from reoccurring.
3. The Final Order heretofore entered provided for the imposition of sanctions for non-compliance with same.

DP.

YOU HAVE THE RIGHT to attend the hearing, and to be represented by an attorney. You will have the right to respond to the matters alleged as set forth hereinabove, to present evidence and call witnesses.

I HEREBY CERTIFY that a true and correct copy of this above and foregoing NOTICE OF NON-COMPLIANCE AND HEARING was mailed (Certified Return Receipt Requested) to the above named addressee(s).



RICK BERNI, Code Compliance Inspector

STATE OF FLORIDA)
 : SS.
COUNTY OF BROWARD)

FURTHER AFFIANT SAYETH NAUGHT.



RICK BERNI

Personally known to me and did take an Oath. Sworn to and subscribed before me this 5th day of February 2002.



Notary Public State of Florida
My Commission expires:



TOWN OF DAVIE
CODE COMPLIANCE
SPECIAL MASTER

THE TOWN OF DAVIE, Broward
County, Florida, A Florida
Municipal Corporation,

CASE NO. 02-049

Petitioner,
v.

CARMEN RAMIREZ,

Respondent.

ORDER OF CONTINUANCE

THIS MATTER having come before the TOWN OF DAVIE, SPECIAL MASTER, pursuant to notice on the 27th day of November, 2001, and the SPECIAL MASTER having considered the continuance of the matter, and it appearing that same is in order and will not prejudice either party, it is thereupon:

ORDERED AND CONSIDERED, that this matter shall be continued to the SPECIAL MASTER HEARING of the 18th day of December, 2001, at 9:00 A. M., in the Davie Town Hall, 6591 Orange Drive, Davie, Broward County, Florida. No other notice of such meeting shall be required or served in this matter.

DONE AND ORDERED in Davie, Broward County, Florida this 28th day of November, 2001.

TOWN OF DAVIE

By: _____



Richard E. Conner, Esquire
Special Master

Copies furnished:
CARMEN RAMIREZ
(CERTIFIED MAIL)
Clerk, Special Master Hearing
Town Prosecutor
Code Inspector

TOWN OF DAVIE
6591 Orange Drive
Davie, Florida 33314-3399
DEVELOPMENT SERVICES DEPARTMENT
CODE COMPLIANCE DIVISION
(954) 797-1121

OCTOBER 19, 2001

CARMEN RAMIREZ
7750 NW 39 ST
HOLLYWOOD, FL 33024

Re: NOTICE OF CODE VIOLATION(S) AND HEARING: 02-49

Dear CARMEN RAMIREZ :

The Town of Davie Code Compliance Division received a complaint of code violation(s) existing at:

Address: 7750 NW 39 ST

Legal description: B 51 P 25 K 5 L 5, DRIFTWOOD ESTATES NO 1
51-25 B, LOT 5 BLK 5,

Folio number: 51-41-03-18-0450-

Located within the Town of Davie and recorded in the name of:

RAMIREZ, CARMEN

In response to the complaint, an inspection was conducted and the following code violation(s) must be corrected:

Section 9-22

Garbage and trash removal service by the franchised collector is required in the Town of Davie. Contact the franchised collector at 974-7501 to set up service.

"ALL PROPERTY OR BUSINESS OWNERS, TENANTS OR LESSEES SHALL OBTAIN TRASH DISPOSAL SERVICES FROM THE APPROVED TOWN OF DAVIE FRANCHISED WASTE HAULING COMPANY. SUCH WASTE REMOVAL SERVICE SHALL BE OBTAINED PRIOR TO OR IMMEDIATELY AFTER THE COMMENCEMENT OF SUCH OPERATION OR OCCUPANCY. PLEASE NOTE THAT THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE FAILURE OF COMMERCIAL OR RESIDENTIAL TENANTS IN COMPLYING WITH THIS REGULATION."

Failure to completely correct the violation(s) as required will result in the Town of Davie Special Master taking legal action against you. Florida Statutes authorize the Code Compliance Special Master to levy fines of up to \$250 a day per code violation and up to \$500 a day for repeat violations, and the imposition of a lien as provided by Section 162.09, Florida Statutes.

Notice: Your hearing date is on NOVEMBER 27, 2001 at 9:00 a.m., at the Town Hall Meeting Room located at 6591 Orange Drive, Davie, Florida, should the violation(s) remain uncorrected.

Should you have any questions regarding compliance or resolving this matter without a Special Master Hearing, you are encouraged to contact the undersigned Code Compliance Inspector at 954-797-1174.

Your anticipated cooperation will be appreciated by your neighbors and all concerned.

Thank you.

Respectfully,



RICK BERNI
Code Compliance Inspector

Copy to: Town Prosecutor



Any person requiring auxiliary aids and services at this meeting may call the Town Clerk's Office at 797-1023 at least five business days prior to the meeting to request such accommodation. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 (voice) or 1-800-955-8771 (TDD)



IMPORTANT: If you are looking to purchase this property, the tax amount shown may have no relationship to the taxes you will pay.
Please use our Tax Estimator to determine a more likely estimate of your new amount.

[PREVIOUS](#)
[NEXT](#)
[VIEW MAP](#)
[PRINT](#)
[NEW SEARCH](#)
[BCPA HOME](#)

Site Address	7750 NW 39 ST , DAVIE	ID #	5141 03 18 0450
Property Owner	RAMIREZ,CARMEN	Millage	2443
Mailing Address	7750 NW 39 ST DAVIE FL 33024-8406	Use	01

Legal Description	DRIFTWOOD ESTATES NO 17 51-25 B LOT 5 BLK 5
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Property Assessment Values					
Year	Land	Building	Land Value AG	Total	Tax
Current	\$ 68,650	\$ 55,960		\$ 124,610	
2004	\$ 68,650	\$ 55,960		\$ 124,610	\$3,080.50
2003	\$ 44,240	\$ 49,960		\$ 94,200	\$2,355.59

Save Our Home Value	Exemptions			
	Type	Widow(er)'s/Veteran's/Disability	Homestead	Non-Exempt
				\$ 124,610

Sales History					Land Calculations		
Date	Type	Price	Book	Page	Price	Factor	Type
02/98	WD	\$ 86,500	27808	722	\$1,125.00	61.02	FF
12/97	WD	\$ 100	27473	167			
09/85	W	\$ 59,000	12825	23			
12/74	W	\$ 33,000					
03/73	W	\$ 31,900					
Adj. Bldg. S.F.							1340

Special Assessments					
Fire	Garbage	Light	Drainage	Improvement	Safe
24			B		
R			B		
1					

Please Note: Assessed values shown are NOT certified values and are subject to change before final certification for ad valorem tax purposes.

**WASTE MANAGEMENT**

3831 NW 21st Avenue
Pompano Beach, FL 33073
(954) 974-7300
(954) 974-0898 Fax

Date: 12/17/01

TOWN OF DAVIE
6591 S.W. 45TH STREET
DAVIE, FLORIDA 33314

ATTN: Rick Bernie
797-1119- FAX

PURSUANT TO REGULATIONS SURROUNDING DAVIE CODE VIOLATIONS
(9-22A) I HEREBY SUBMIT WRITTEN DOCUMENTATION REQUESTING
ACTION ON THE BUSINESS/ADDRESS LISTED BELOW AS THEY ARE
WITHOUT GARBAGE SERVICE:

BUSINESS: _____

ADDRESS: 7750 NW 39 St

REASON FOR NO SERVICE (CIRCLE REASON):

VACANT STATUS

DELINQUENT

BAD CHECK

NO SERVICE DESIRED

OTHER _____

THANK YOU FOR YOUR ASSISTANCE IN THE MATTER.

SINCERELY,

SOUTHERN SANITATION


REPRESENTATIVE SIGNATURE

CREDIT DEPT

PRINT

EXHIBIT # B
CASE # 02-049
DATE 12/18/01
INITIALS mm

TOWN OF DAVIE
DEVELOPMENT SERVICES DEPARTMENT, CODE COMPLIANCE DIVISION

AFFIDAVIT

Affidavit of a Code Compliance Notice of a Formal Hearing by the posting of Notice to Appear

I, RICK BERNI, being a Code Compliance Inspector of the Town of Davie Code Compliance Division do hereby swear that Notice of a Code Violation(s) and Hearing date was sent Certified Mail to the Respondents:

Name: CARMEN RAMIREZ
7750 NW 39 ST
HOLLYWOOD, FL

By: Michelle Mesecher
and said attempt at service was not achieved.

On: December 3, 2001

Accordingly, Notice of a Formal Hearing, a copy of which is attached hereto, was posted Sec. 162.12, Florida Statute at the property located at 7750 NW 39 ST . upon which the violation and also at the Municipal Government Office at the Davie Town Hall, at 6591 SW 45 Street, Davie, Florida.

Such Notice was posted
At: 7750 NW 39 ST

On: December 5, 2001

By: RICK BERNI

for a period of at least ten (10) days prior to the Special Master Hearing date, and also at the Davie Town Hall

On: December 5, 2001

By: RICK BERNI

at least ten (10) days prior to the Special Master Hearing date.

STATE OF FLORIDA) SS.
COUNTY OF BROWARD)

BEFORE ME, the undersigned authority, this day personally appeared RICK BERNI who, being by me first duly sworn and cautioned, deposes and states that he is a Code Compliance Inspector of the Town of Davie, Broward County, Florida; that he has read the above and foregoing and is personally familiar with the facts and matters therein stated; that he knows and understands the contents thereof; and that the same is true and correct.

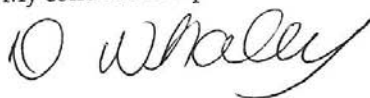
FURTHER AFFIANT SAYETH NAUTH.

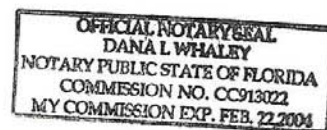

RICK BERNI

Personally known to me and take an Oath. Sworn to and subscribed before me this 5th day of December, 2001.

Notary Public, State of Florida

My commission expires:





TOWN OF DAVIE
DEVELOPMENT SERVICES DEPARTMENT, CODE COMPLIANCE DIVISION

AFFIDAVIT

Affidavit of a Code Compliance Notice of a Formal Hearing by the posting of Notice to Appear

I, Richard Berni, being a Code Compliance Inspector of the Town of Davie Code Compliance Division do hereby swear that Notice of a Code Violation(s) and Hearing date was sent Certified Mail to the Respondents:

Name: CARMEN RAMIREZ
At: 7750 NW 39 ST
Davie, FL 33024

By: Michelle Mesecher
On: NOVEMBER 14, 2001 and said attempt at service was not achieved.

Accordingly, Notice of a Formal Hearing, a copy of which is attached hereto, was posted per Sec. 162.12, Florida Statute at the property located at 7750 NW 39 ST, Davie, FL, upon which the violation exists and also at the Municipal Government Office at the Davie Town Hall, at 6591 SW 45 Street, Davie, Florida.

Such Notice was posted on / NOVEMBER 14, 2001
At: 7750 NW 39 ST, Davie, FL
By: Richard Berni

for a period of at least ten (10) days prior to the Special Master Hearing date, and also at the Davie Town Hall

STATE OF FLORIDA) SS.
COUNTY OF BROWARD)

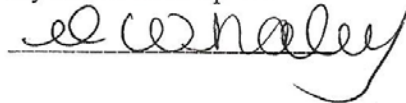
BEFORE ME, the undersigned authority, this day personally appeared Richard Berni who, being by me first duly sworn and cautioned, deposes and states that he is a Code Compliance Inspector of the Town of Davie, Broward County, Florida; that he has read the above and foregoing and is personally familiar with the facts and matters therein stated; that he knows and understands the contents thereof; and that the same is true and correct.

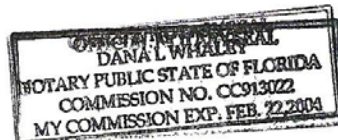
FURTHER AFFIANT SAYETH NAUTH.

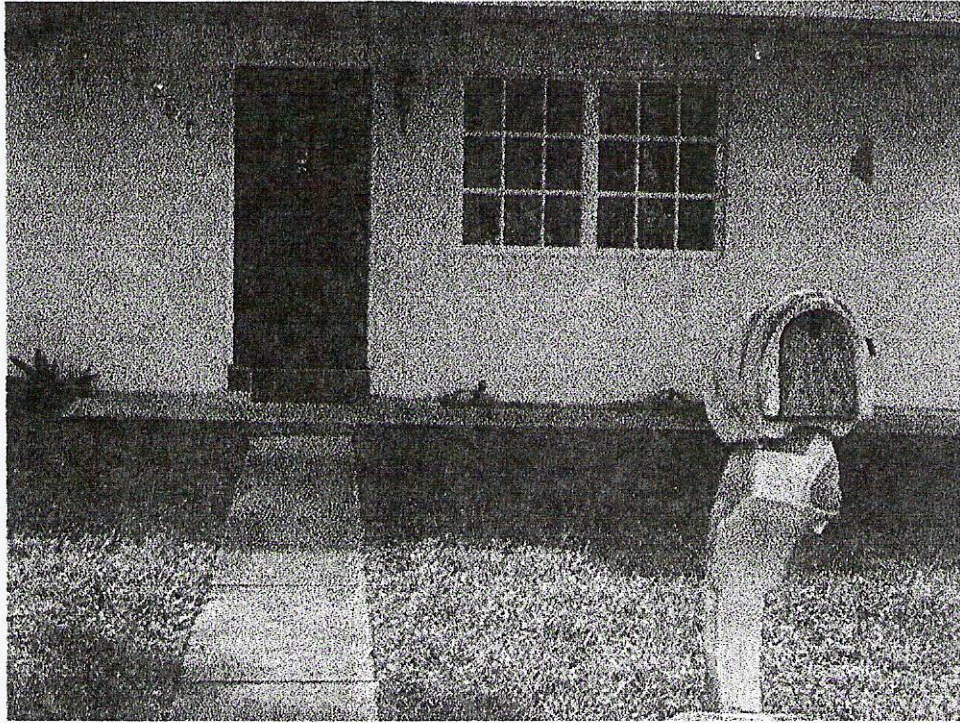

Richard Berni

Personally known to me and did take an Oath. Sworn to and subscribed before me this 14th day of November, 2001.

Notary Public, State of Florida
My commission expires:







12/5/01



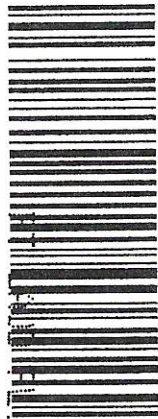
1750 NW 39 ST

11/14/0
PS



6591 Orange Drive
Davie, Florida 33314-3399

CERTIFIED MAIL



7001 0320 0002 2981 5644



12/21/01 20:19

Handwritten: 12/21/01 1-8

~~Carmen Ramirez
7750 NW 39 Street
Hollywood, FL 33024~~

~~CERTIFIED MAIL
RETURN RECEIPT REQUESTED~~

33024+8406 45

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Carmen Ramirez
7750 NW 39 St.
Hollywood, FL 33024

2. Article Number

7001 2510 0005 2820 9590

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

ange Drive
lorida 33314-3399



###RETURN TO SENDER/RETURN FOR REASON SHOWN###

UNCLAIMED

CARMEN RAMIREZ
7750 NW 39 ST.
HOLLYWOOD, FL 33024

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

33314-3399 45



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Carmen Ramirez
7750 NW 39 St
Hollywood, FL 33024

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Carmen Ramirez
7750 NW 39 St
Hollywood, FL 33024

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature *[Signature]* 12-4-01

D. Is delivery address different from item 1? ☐ Agent ☐ Addressee

If YES, enter delivery address below: ☐ Yes ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

7001 0320 0002 2986 1931

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-141

12/18/01 02-49 OW

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Carmen Ramirez
7750 NW 39 St
Hollywood, FL 33024

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature *[Signature]* ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below: ☐ Yes ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

7001 0320 0002 2986 2600

m Receipt

102595-01-M-1424

11/27/01 02-49 RB

CERTIFIED MAIL



6591 Orange Drive
Davie, Florida 33314-3399

###RETURN TO SENDER/RETORNO AL ENVIADOR REASON SHOW###

CARMEN RAMIREZ
7750 NW 39 ST.
HOLLYWOOD, FL 33024

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RETURN TO SENDER ☐ REFUSED ☒ UNCLAIMED
☐ ATTEMPTED NOT KNOWN ☐ NO SUCH NUMBER
☐ ADDRESSEE LEFT NO FORWARD ☐ NO MAIL DELIVERABLE
DATE *[Signature]* 11/30

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